

August 20, 2019

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation  
*TerreStar Corporation Request for Temporary Waiver of Substantial  
Service Requirements for 1.4 GHz Licenses, WT Docket No. 16-290*

Dear Ms. Dortch,

TerreStar Corporation (“TerreStar”), through the undersigned of Wilkinson Barker Knauer LLP, wishes to supplement the record with additional information on how grant of TerreStar’s waiver request will best serve the public interest and is aligned with the Commission’s goals of making spectrum available in the most efficient manner. In short, grant of TerreStar’s requested waiver would provide Channel 37 (608 to 614 MHz) WMTS users an additional option for capacity while also solving the existing congestion issues in the 1.4 GHz WMTS spectrum that is currently available (1395-1400 MHz and 1427-1432 MHz).

In 2015, the FCC established technical rules in the *Part 15 Report and Order* to permit white space devices to operate in Channel 37, which is used primarily for WMTS and radio astronomy operations.<sup>1</sup> Many WMTS stakeholders sought reconsideration of the Commission’s order, expressing concerns that the codified rules simply will not provide the level of protection needed to ensure that the remote monitoring of hospital patients will not suffer interference from

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<sup>1</sup> See *Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, Report and Order*, 30 FCC Rcd 9551 (2015).

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white space devices operating on Channel 37 or adjacent and near adjacent channels.<sup>2</sup> As of today, the FCC has not yet resolved those petitions for reconsideration – and the concerns raised by the WMTS community remain valid.

Stakeholders have demonstrated that interference would be caused by a white space device operating in Channel 37 at the power level, separation distance, and height as proposed by the Commission's rules. Wireless signals by white space devices can travel through buildings – including through the walls of hospitals that rely on WMTS for life-critical patient monitoring. There is evidence that the separation distances required to protect WMTS are approximately three times greater than those adopted by the Commission in its order. Meanwhile, the need for WMTS transmitters continues to grow and patient monitoring depends on functioning WMTS in Channel 37.

At the same time, many stakeholders have expressed concern regarding congestion in the 1.4 GHz WMTS spectrum.<sup>3</sup> By permitting WMTS operations in TerreStar's spectrum, the Commission can seize a significant opportunity to expand the amount of 1.4 GHz WMTS spectrum available.

First, if granted, the waiver will create an interference-free environment for WMTS spectrum that does not have the adjacent and co-channel interference threats that are currently associated with Channel 37.

Furthermore, the combined 1.4 GHz WMTS and commercial bands will yield a resource that is significantly larger than the existing Channel 37 allocation. This expanded resource will permit (i) increased clinical monitoring, resulting in improved care and better survivability, (ii) the integration of encryption, enabling WMTS networks to meet the mandated FIPS 140-2 standard without a reduction in the existing network capacity, and (iii) expansion in the number of patients that can be serviced by each medical telemetry system in all deployed facilities.

Finally, the commercial portion of the band will permit vendors to offer services that are currently prohibited by the Part 95 WMTS rules.<sup>4</sup> For example, grant of the waiver will enable (i) mobile use of WMTS in ambulances, (ii) WMTS deployment in rural clinics and home care

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<sup>2</sup> See, e.g., Petition for Reconsideration of the WMTS Coalition, ET Docket No. 14-165, GN Docket No. 12-263 (filed Dec. 23, 2015); Petition for Reconsideration of GE Healthcare, ET Docket No. 14-165, GN Docket No. 12-263 (filed Dec. 23, 2015).

<sup>3</sup> See, e.g., Letter from Timothy J. Cooney and Patrick R. Halley, Counsel to the American Society for Healthcare Engineering (ASHE) of the American Hospital Association (AHA), to Marlene H. Dortch, Secretary, FCC, ET Docket No. 14-165 (filed Feb. 6, 2018).

<sup>4</sup> See 47 C.F.R. § 95.2333. The service rules for WMTS in Part 95 only permit eligible health care providers within a "health care facility" (as defined in 47 C.F.R. § 95.2303) to operate WMTS devices.

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environments (outside of the current registered hospitals), and (iii) integration of voice and audio for advanced telemedicine applications, which are currently not permitted.

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For the above reasons, in addition to those outlined in this proceeding in its other filings, TerreStar continues to respectfully seek reconsideration of the Order of the Chief of the Mobility Division of the Wireless Telecommunications Bureau. Grant of reconsideration would be in the public interest.

This letter is being filed electronically in accordance with Section 1.1206(b)(1) of the Commission's rules.

Sincerely,

/s/

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Bryan N. Tramont